IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

Bail Appl..No. 7625 of 2007(S)

AGAINST THE ORDER DATED / / IN LP 117 2007 IN CC.333/2003 of MUN-MAGI COURT, PARAVOOR

.....

PETITIONER/ACCUSED

SYAMKUMAR S., AGED 34,
SYAMVIHAR, MATHILIL P.O., KOLLAM.

BY ADV. SRI.S.D.ASOKAN
SMT.J.SHEEBA

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, ANCHALUMMOOD
POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. GIKKU JACOB.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2007 ALONG WITH B.A.NO.7626/07 AND OTHER CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. Nos. 7625, 7626, 7627, 7628, 7629, 7635 & 7636 OF 2007

Dated this the 5th day of December, 2007

ORDER

The common petitioner in these petitions faces indictment in 7 different prosecutions – all under Sec.138 of the Negotiable Instruments Act. The complainants are different. Cognizance in these cases was taken as early as in 2002 and 2003. Consequent to the non-appearance of the petitioner, reckoning him as an absconding accused, coercive processes have been issued and the cases have been transferred to the list of Long Pending Cases. Warrants of arrest issued by the learned Magistrates are chasing the petitioner.

2. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful or deliberate. He was not served with any notice in these proceedings. He is willing to surrender before the learned Magistrates and seek regular

regular bail. But he apprehends that his applications for regular bail may not be considered by the learned Magistrates on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrates to release him on bail when he appears before the learned Magistrates.

3. It is for the petitioner to appear before the learned Magistrates and explain to the learned Magistrates the circumstances under which he could not earlier appear before the learned Magistrates. I have no reason to assume that the learned Magistrates would not consider the petitioner's applications for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

4. In the result, these bail applications are dismissed; but with the observation that if the petitioner surrenders before the learned Magistrates and seeks bail, after giving sufficient prior

notice to the Prosecutor in charge of the case, the learned Magistrates must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-
(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge